IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.891 OF 2003

IN

FIRST APPEAL NO.756 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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CORAM: A.S.OKA, J.

DATED: AUGUST 16, 2004.

P.C.:

1. Rule. The Respondents waive service. The Decree is for specific performance of Agreement dated 8th December 1999. Admittedly, the Respondents-original Plaintiffs are in possession of the suit premises.

2. As the First Appeal is admitted for final hearing, decree cannot be allowed to be executed. Hence, Application is disposed of by passing the following order:

i) Ad-interim order passed by this Court on 19th March 2003 will continue to operate as interim order subject to the following conditions:

a) The Applicants/Appellants will not disturb the possession of the Respondents over the suit premises in any manner whatsoever and the Applicants will not create any third party interests in respect of the suit premises.

b) If any breach is committed by the Applicants/Appellants, liberty to the Respondents to apply for vacating the interim relief. No order as to costs.

Judge.